

2-15-2015

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Recommended Citation

Hege, B. "Hobby Lobby's 'Sincerely Held Religious Beliefs': The Problem of Theological Terminology in American Politics and Jurisprudence" Popular/American Culture Association Annual Meeting Albuquerque, NM, Feb. 2015. Available from: digitalcommons.butler.edu/facsch_papers/522/

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“Hobby Lobby’s ‘Sincerely Held Religious Beliefs’: The Problem of Theological Terminology in American Politics and Jurisprudence”

Brent A. R. Hege

**Southwest Popular/American Culture Association Annual Meeting
Albuquerque, NM, Feb. 2015**

The recent Hobby Lobby case decided by the U. S. Supreme Court in favor of Hobby Lobby's request to be granted the right to "sincerely held religious beliefs" and therefore to deny insurance coverage of certain contraceptive medications and services to their female employees sparked a national conversation about a host of controversial issues, including the right of women to reproductive choice, the status of corporations in American jurisprudence, and the status of religion in American law and politics. What has not been addressed in nearly as much detail are the specifically theological presuppositions (and misunderstandings) supporting the Hobby Lobby lawsuit and the Supreme Court's decision. The justices ruling in Hobby Lobby's favor (infamously) refused to rule on the legitimacy of the plaintiffs' "sincerely held religious beliefs" because such a ruling would be an infringement of their religious freedom. However, what the plaintiffs and the justices failed to recognize is the unique definition and function of religious language and beliefs and also that there is a fundamental and necessary distinction between faith and belief that, had it been understood and acknowledged, very likely would have swayed the case in a different direction. Instead, the Supreme Court confuses beliefs for faith and establishes the unassailability of any belief that is "sincerely held," whether or not there is any evidence (empirical, logical, or otherwise) for such beliefs. With the help of theologian Paul Tillich and philosopher William Clifford, I will reflect on the Hobby Lobby decision as a glaring example of the dangers of misconstruing the meaning of religious language and of confusing faith and belief.